

KAREN ARTZ ASH (Pro Hac Vice)
Email: karen.ash@kattenlaw.com
JAMES J. CALDER (Pro Hac Vice)
Email: james.calder@kattenlaw.com
KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue
New York, New York 10022-2585
Telephone: 212.940.8800
Facsimile: 212.940.8776

STUART M. RICHTER (Cal. State Bar No. 126231)
Email: stuart.richter@kattenlaw.com
ZIA F. MODABBER (Cal. State Bar No. 137388)
Email: zia.modabber@kattenlaw.com
GREGORY S. KORMAN (Cal. State Bar No. 216931)
Email: gregory.korman@kattenlaw.com
KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East, Suite 2600
Los Angeles, CA 90067-3012
Telephone: 310.788.4400
Facsimile: 310.788.4471

Attorneys for Defendant
SPEEDO USA, a division of
WARNACO SWIMWEAR, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Plaintiff,

VS.

WARNACO SWIMWEAR, INC. dba
SPEEDO USA, a Delaware corporation;
UNITED STATES SWIMMING, INC.,
an Ohio corporation; MARK
SCHUBERT, an individual; ERIK
VENDT, an individual; and DOES 1
through 10, inclusive,

Defendants.

**Case No.: SACV 08-00529 JVS
(MLGx)**

JUDGMENT AND WAIVER OF COSTS AND RIGHT TO APPEAL

JUDGMENT

Based on: (1) the Court's March 3, 2010, March 22, 2010 and May 3, 2010 orders granting motions for summary judgment filed by Defendants Speedo USA, a division of Warnaco Swimwear, Inc. ("Speedo"), United States Swimming Inc. ("USA Swimming"), Mark Schubert ("Schubert"), and Defendant and Counter-Claimant Erik Vendt (collectively "Defendants"), (2) the June 28, 2010 stipulation to dismiss between Plaintiff and Defendant Vendt, and the Court's order thereon, and (3) the stipulation for entry of this Judgment executed by all the parties to this action.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

(1) Summary judgment is entered in favor of Defendants Speedo, USA Swimming and Schubert and against Plaintiff TYR Sport, Inc on all remaining claims alleged by Plaintiff in the Complaint, and Plaintiff shall take nothing by way of its Complaint in this action;

(2) Each party shall bear his/its own costs of suit; and

(3) Plaintiff waives its right to appeal from this Judgment or any order entered in this action, this Judgment therefore is final and non-appealable.

Dated: July 29, 2010

The Honorable James V. Selna